

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA J. MORRISON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Case No. 13-12561

Honorable John Corbett O'Meara

**ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY FEES**

This matter came before the court on plaintiff Linda J. Morrison's October 14, 2014 Motion for Award of Attorney Fees. Defendant Commissioner of Social Security filed a response December 11, 2014. No reply was filed, and no oral argument was heard.

Plaintiff Morrison filed this action pursuant to 42 U.S.C. § 405(g), seeking review of the Commissioner's final decision denying her application for Supplemental Security Income. After briefing by both parties, the magistrate judge issued an August 27, 2014 Report and Recommendation that the matter be remanded for consideration of new and material evidence pursuant to the sixth sentence of § 405(g). On September 17, 2014, this court issued an order adopting the Report and Recommendation and remanding the case to the Commissioner.

Plaintiff Morrison filed this motion October 14, 2014, seeking \$2,016.50 in fees for work performed by her attorney. However, the motion is premature. In Melkonyan v. Sullivan, 501 U.S. 89, 102 (1991), the United States Supreme Court stated, "In sentence six cases, the filing period does not begin until after the postremand proceedings are completed, the [Commissioner] returns to court, the court enters a final judgment, and the appeal period runs." In this case there has been no final

judgment yet. Accordingly, it is hereby **ORDERED** that plaintiff Linda J. Morrison's October 15, 2014 Motion for Award of Attorney Fees is **DENIED WITHOUT PREJUDICE**.

s/John Corbett O'Meara  
United States District Judge

Date: January 14, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 14, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager